

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

December 18, 2019	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe.
January 8, 2020	Parties exchange claim terms for construction.
January 17, 2020	Parties exchange proposed claim constructions.
January 24, 2020	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefore. A failure to summarize potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
January 29, 2020	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
February 5, 2020	Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite.
February 26, 2020	Parties file Responsive claim construction briefs.
March 11, 2020	Parties file Reply claim construction briefs.
March 18, 2020	Parties submit Joint Claim Construction Statement and consolidated briefing collated by Opening, Response, and Reply in Microsoft Word format. Absent agreement of the parties, the Plaintiff shall be responsible for the timely

	submission of this and other Joint filings.
April 24, 2020	Markman Hearing at 9:30 a.m.
May 1, 2020	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
June 5, 2020	Deadline to add parties.
June 19, 2020	Deadline to serve Final Infringement and Invalidity Contentions.
July 17, 2020	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims.
October 9, 2020	Close of Fact Discovery.
October 16, 2020	Opening Expert Reports.
November 13, 2020	Rebuttal Expert Reports.
December 4, 2020	Close of Expert Discovery.
December 11, 2020	Deadline to meet and confer to discuss narrowing the number of claims asserted and prior art references at issue. The parties shall file a report within 5 business days regarding the results of the meet and confer.
December 18, 2020	Dispositive motion deadline and <i>Daubert</i> motion deadline.
January 6, 2021	Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, discovery and deposition designations).
January 19, 2021	Serve objections to pretrial disclosures/rebuttal disclosures.
January 25, 2021	Serve objections to rebuttal disclosures and <b>File</b> Motions <i>in limine</i> .
February 3, 2021	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
February 10, 2021	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i>

3 business days before Final Pretrial Conference.	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
February 19, 2021 (or as soon as practicable)	Final Pretrial Conference. The Court expects to set the Pretrial Conference within 2-4 weeks of the trial date.
February 26, 2021 – March 19, 2021 (or as soon as practicable)	Jury Selection/Trial. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.

SIGNED this 14<sup>th</sup> day of November, 2019.

  
 ALAN D ALBRIGHT  
 UNITED STATES DISTRICT JUDGE

AGREED:

By: /s/ William E. Davis, III  
 William E. Davis, III  
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Attorneys for Defendant

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing proposed order has been served on all counsel of record this 13<sup>th</sup> day of November, 2019 via the Court's electronic filing system.

/s/ William E. Davis, III  
 William E. Davis, III